

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BIG RIVERS ELECTRIC)	CASE NO.
CORPORATION FOR A GENERAL)	2011-00036
ADJUSTMENT IN RATES)	

O R D E R

By Order entered December 8, 2011, the Commission granted a petition for rehearing filed by Big Rivers Electric Corporation ("Big Rivers"). That Order also directed Big Rivers to file testimony by January 5, 2012, and stated that an informal conference should be convened within 10 days thereafter to establish a procedural schedule. Since the entry of that Order, Kentucky Industrial Utility Customers, Inc. ("KIUC") has moved the Commission to dismiss this rehearing for lack of jurisdiction. KIUC claims that it filed an appeal with the Franklin Circuit Court prior to Big Rivers filing of a petition for rehearing here, and that KIUC's earlier filed appeal divests the Commission of jurisdiction to consider any issue raised on rehearing by Big Rivers.

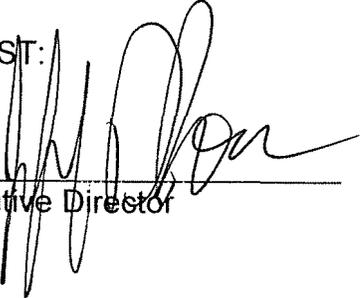
In response to KIUC's motion to dismiss, the Commission established a briefing schedule for the parties to address the issue of jurisdiction. All briefs were filed by January 9, 2012, and the issue is now pending a decision by the Commission. Based on the pending motion to dismiss, the Commission finds that no informal conference should be held until a decision is rendered on the issue of jurisdiction.

IT IS THEREFORE ORDERED that no informal conference regarding a procedural schedule shall be convened until the Commission adjudicates KIUC's pending motion to dismiss.

By the Commission

ENTERED ^{PA}
JAN 13 2012
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



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